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July 25, 2007

BY E-MAIL

Beth E. Goldman, Esq.  
Sarah S. Normand, Esq.  
Jeannette A. Vargas, Esq.  
Assistant U.S. Attorneys  
U.S. Department of Justice  
86 Chambers Street, 3rd Floor  
New York, New York 10007

**In Re September 11 Tort Litigation  
21 MC 97, 21 MC 101 (AKH)**

Dear Beth, Sarah and Jeannette:

Attached, in response to your July 11, 2007 letter, is a list of FAA employees or former employees that the Aviation Defendants intend to depose in connection with the 9/11 litigation. The Aviation Defendants wish to proceed first with the FAA Rule 30(b)(6) deposition. Testimony at the Rule 30(b)(6) deposition and/or subsequent document productions by TSA or FAA may enable the Aviation Defendants to withdraw the requests for certain of the proposed deponents on the attached list or may suggest the need for the depositions of other present or former FAA personnel not currently on the list.

I am also attaching a proposed additional topic for the FAA Rule 30(b)(6) deposition. The addition of this topic is occasioned by the recent amendments to all five Master Complaints asserting new theories of aircraft design liability.

As we discussed yesterday, we would like to schedule a meeting with you to discuss the scope of the FAA Rule 30(b)(6) deposition. At that meeting, we would also be prepared to discuss the topics to be covered at the depositions of the individuals on the attached list. You tentatively proposed a meeting during the week of August 13, 2007

Beth E. Goldman, Esq.  
Sarah S. Normand, Esq.  
Jeannette A. Vargas, Esq.

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and Des Barry is consulting with counsel for the other Aviation Defendants to determine their availability during that week.

Sincerely,



Roger E. Podesta

Roger E. Podesta

Attachment

cc: Desmond T. Barry, Jr., Esq.

**List of Present and Former FAA Employees  
Whose Deposition Is Requested By Aviation Defendants**

Jeff Gardlin	Aerospace engineer with the FAA's Cabin Safety and Airframe Branch in Renton, Washington
John Hawley	FAA liaison to Department of State
Lee Longmire	FAA official interviewed by 9/11 Commission on Oct. 28, 2003
Fran Lozito	FAA PSI for United Airlines
Lynn Osmus	Former FAA Deputy Assistant Administrator for Civil Aviation Security
James Padgett	Technical Advisor to FAA's Director of Civil Aviation Security
James Peters	FAA Spokesman re MassPort's proposed testing program
Dave Peterson	FAA Special Agent at Logan
Janet Riffe	FAA PSI for American Airlines
Jack Salata	FAA liaison to FBI
Franklin Tiangsing	FAA's Manager of the Transport Airplane Directorate, Aircraft Certification Service in Washington State.
Robert White	FAA Liaison to CIA Counterterrorism Center
Identity to be determined	FAA Special Agents with knowledge of checkpoint screening and other security practices and procedures at Dulles and at Newark

**Additional FAA Rule 30(b)(6) Deposition Topic Request by Aviation Defendants**

38. FAA regulations, policy statements, and certification of Boeing model 757 and 767 aircraft, from the time of the original design and certification of those aircraft through September 11, 2001, concerning the following systems:
- a. Secondary barriers intended to prevent cockpit intrusion;
  - b. Systems that would identify unauthorized persons attempting to operate the flight controls and prevent such persons from operating the flight controls;
  - c. Systems that would automatically signal the government and/or airlines when an unauthorized person attempted to operate the flight controls or was in fact operating the flight controls;
  - d. Systems incorporating cameras in the cabin of passenger aircraft that are intended to allow the flight crew to observe the cabin to determine whether to open the flight deck door;
  - e. Automatic navigation systems that would prevent unauthorized persons from programming aircraft to fly to certain locations;
  - f. Systems designed to prevent the transponders from being turned off; and
  - g. Systems that would prevent aircraft from being intentionally crashed into buildings.